

Executive Summary – Enforcement Matter – Case No. 47309
Stolthaven Houston, Inc.
RN100210475
Docket No. 2013-1428-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Stolthaven Houston Terminal, 15602 Jacintoport Boulevard, Houston, Harris County

Type of Operation:

Chemical products storage and distribution terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,200

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,200

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 8, 2013

Date(s) of NOE(s): July 17, 2013

Executive Summary – Enforcement Matter – Case No. 47309
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RN100210475
Docket No. 2013-1428-AIR-E

Violation Information

Failed to submit an annual emissions inventory update by March 31, 2013 [30 TEX. ADMIN. CODE § 101.10(b)(2) and (e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 24, 2013, Respondent submitted the emissions inventory update for calendar year 2012.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, implement measures and/or procedures to ensure that annual emissions inventory updates are submitted in a timely manner; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Timothy Friday, Superintendent of Environmental Affairs, Stolthaven Houston, Inc., 15602 Jacintoport Boulevard, Houston, Texas 77015
Alan Birney, Terminal Manager, Stolthaven Houston, Inc., 15602 Jacintoport Boulevard, Houston, Texas 77015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	22-Jul-2013	Screening	31-Jul-2013	EPA Due	
	PCW	12-Aug-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Stolthaven Houston, Inc.		
Reg. Ent. Ref. No.	RN100210475		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47309	No. of Violations	1
Docket No.	2013-1428-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum		\$0	Maximum
		\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	92.0% Enhancement	Subtotals 2, 3, & 7	\$3,450
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Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$87
Approx. Cost of Compliance: \$2,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,200
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,200
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Screening Date 31-Jul-2013

Docket No. 2013-1428-AIR-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47309

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210475

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 92%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 92%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 92%

Screening Date 31-Jul-2013

Docket No. 2013-1428-AIR-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47309

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210475

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.10(b)(2) and (e) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an annual emissions inventory update by March 31, 2013. Specifically, the calendar year 2012 emissions inventory was due by March 31, 2013, but was not submitted until June 24, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

85 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$3,750

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$7,200

This violation Final Assessed Penalty (adjusted for limits) \$7,200

Economic Benefit Worksheet

Respondent Stolthaven Houston, Inc.
Case ID No. 47309
Reg. Ent. Reference No. RN100210475
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Mar-2013	30-Apr-2014	1.08	\$81	n/a	\$81
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2013	24-Jun-2013	0.23	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the emissions inventory update and to implement procedures to ensure that reports are submitted in a timely manner. The Date Required is the date the emissions inventory was due and the Final Dates are the date the emissions inventory was submitted (June 24, 2013) and the estimated date of compliance (April 30, 2014).

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$87



Compliance History Report

PUBLISHED Compliance History Report for CN600124820, RN100210475, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600124820, Stolthaven Houston, Inc.

Classification: SATISFACTORY

Rating: 8.63

Regulated Entity:

RN100210475, STOLTHAVEN HOUSTON TERMINAL

Classification: SATISFACTORY

Rating: 8.63

Complexity Points:

27

Repeat Violator: NO

CH Group:

14 - Other

Location:

15602 JACINTOPORT BLVD HOUSTON, TX, HARRIS COUNTY

TCEQ Region:

REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1045K
POLLUTION PREVENTION PLANNING ID NUMBER P00657

AIR OPERATING PERMITS PERMIT 1060
WASTEWATER PERMIT WQ0003129000

WASTEWATER EPA ID TX0091855

AIR NEW SOURCE PERMITS PERMIT 41618

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1045K

AIR NEW SOURCE PERMITS AFS NUM 4820100371

AIR NEW SOURCE PERMITS PERMIT 80759

AIR NEW SOURCE PERMITS REGISTRATION 101739

AIR NEW SOURCE PERMITS REGISTRATION 109361

AIR NEW SOURCE PERMITS REGISTRATION 109270

AIR NEW SOURCE PERMITS REGISTRATION 111048

AIR NEW SOURCE PERMITS REGISTRATION 111050

AIR NEW SOURCE PERMITS REGISTRATION 111055

AIR NEW SOURCE PERMITS REGISTRATION 111052

STORMWATER PERMIT TXR05P877

STORMWATER PERMIT TXR05U088

STORMWATER PERMIT TXR15RH40

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 56784

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 83390

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980748461

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33722

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 36555

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490351360

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1045K

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: July 29, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 29, 2008 to July 29, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/08/2010 ADMINORDER 2009-1484-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 20B PERMIT
Special Term and Condition 16 OP

Description: Failure to do the quarterly test of the flare (TVFL) pilot flame monitoring device during the second quarter of 2008.
(Category B1 Violation)

2 Effective Date: 08/30/2010 ADMINORDER 2010-0031-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update the NOR for waste management units. Specifically, the Respondent did not add managed waste streams for NOR units 009, 010, and 016 or assign separate NOR unit numbers for MU100D (slop oil tank). Also, the Respondent did not remove MU100N and MU100O from the description of NOR unit 001 since it is also listed in NOR unit 013.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.10

30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to prevent the shipment of industrial solid waste to an unauthorized facility. Specifically, the Respondent shipped three roll-off boxes of Class 1 waste (approximately 200 cubic yards) to a landfill not authorized to receive Class 1 waste.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to clearly label all tanks and containers managing hazardous waste with the words "Hazardous Waste". Specifically, it was observed that a tank managing hazardous waste was labeled with "Hazardous Slop Oil" instead of "Hazardous Waste".

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)

Description: Failure to have a LDR form for a waste stream which is generated as hazardous waste. Specifically, the Respondent did not have an LDR for waste stream 0023207H (wastewater generated at the Facility from cleaning out tanks, flushing pipelines, and contact stormwater).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

30 TAC Chapter 335, SubChapter E 335.112(a)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)

Description: Failure to have a professional engineer's certification for a hazardous waste tank system. Specifically, it was observed that hazardous waste tank MU001D did not have a professional engineer certification for hazardous waste use.

3 Effective Date: 05/22/2011 ADMINORDER 2010-1667-IWD-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff Limitations and Mon Requirements PERMIT

Description: Failure to comply with permitted effluent limitations, as documented in a record review conducted on August 17, 2010.

4 Effective Date: 03/21/2013 ADMINORDER 2012-1581-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)

30 TAC Chapter 101, SubChapter A 101.10(e)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an annual emissions inventory update by March 31, 2012. Specifically, the calendar year 2011 emissions inventory was due by March 31, 2012, but was not submitted until July 18, 2012.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 19, 2008	(715522)
Item 2	September 19, 2008	(715523)
Item 3	October 17, 2008	(715524)
Item 4	November 18, 2008	(731246)
Item 5	December 19, 2008	(731247)
Item 6	January 15, 2009	(731248)
Item 7	February 10, 2009	(754500)
Item 8	March 16, 2009	(754501)
Item 9	April 16, 2009	(754502)
Item 10	May 18, 2009	(771790)
Item 11	June 05, 2009	(743018)
Item 12	June 10, 2009	(771791)
Item 13	August 18, 2009	(815399)
Item 14	September 18, 2009	(815400)
Item 15	October 19, 2009	(815401)
Item 16	November 18, 2009	(815402)
Item 17	April 06, 2010	(815398)
Item 18	April 16, 2010	(1045009)
Item 19	May 17, 2010	(1045012)
Item 20	July 19, 2010	(1045018)
Item 21	August 03, 2010	(830105)
Item 22	August 12, 2010	(1045021)
Item 23	September 17, 2010	(1045024)
Item 24	November 12, 2010	(1045028)
Item 25	December 15, 2010	(1045030)
Item 26	January 17, 2011	(1045032)
Item 27	February 17, 2011	(1045004)
Item 28	April 14, 2011	(1045010)
Item 29	May 20, 2011	(1045013)
Item 30	June 16, 2011	(1045016)
Item 31	July 01, 2011	(936406)
Item 32	July 15, 2011	(1045019)
Item 33	August 19, 2011	(1045022)
Item 34	August 23, 2011	(944608)
Item 35	September 08, 2011	(934579)
Item 36	September 20, 2011	(1045025)
Item 37	October 19, 2011	(1045027)
Item 38	November 17, 2011	(1045029)
Item 39	February 14, 2012	(1045005)
Item 40	March 20, 2012	(1045008)
Item 41	April 19, 2012	(1045011)
Item 42	May 15, 2012	(1045014)
Item 43	June 15, 2012	(1045017)
Item 44	July 20, 2012	(1045020)
Item 45	August 17, 2012	(1045023)
Item 46	September 20, 2012	(1048240)
Item 47	October 19, 2012	(1067544)
Item 48	October 26, 2012	(976193)
Item 49	November 19, 2012	(1067545)
Item 50	December 19, 2012	(1067547)
Item 51	January 18, 2013	(1081765)
Item 52	February 20, 2013	(1081764)
Item 53	March 18, 2013	(1090672)
Item 54	July 25, 2013	(1100296)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	03/31/2013	(1097019)	CN600124820	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	05/20/2013	(1089173)	CN600124820	
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.10(e) 5C THSC Chapter 382 382.085(b)			
	Description:	Failure to submit a 2012 Emissions Inventory. CATEGORY B19(g)(3).			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/29/2008 and 7/29/2013

1	Date:	08/11/2008	(681764)	CN600124820
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 1A OP		
	Description:	Failure to operate an internal floating roof (IFR) tank with roof drains that are fitted with a membrane fabric that covers 90% of the drain opening.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 17 OP		
	Description:	Failure to operate Tank P-15-30 without hexane product resting on the top of the internal floating roof on December 10, 2007 and January 14, 2008.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 1A OP		
	Description:	Failure to submit a seven day refilling notification prior to refilling Storage Tanks P-15-29, P-40-2 and Q-30-13.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 1A OP Permit 41618, Special Condition 27 PERMIT		
	Description:	Failure to provide vent gas control (through the use of a flare) on 15 separate occasions for Tanks D-20-3, P-50-6, D7-ISS, D15-25, D20-2, and D20-3.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter C 115.212(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 1A OP		
	Description:	Failure to provide vent gas control (through the use of a flare) on 3 separate occasions (April 24, May 9, and May 12, 2007) for Loading Racks R-2 and T-6.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 17 OP Permit 41618, Special Condition 25B PERMIT		
	Description:	Failure to perform the required quarterly testing of the flare pilot flame monitoring device for the Tank Farm Vent Flare (TFVF) during the third quarter of 2007.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 17 OP Permit 41618, Special Condition 12I PERMIT		
	Description:	Failure to provide leak-free and spill-free operations while performing loading and unloading activities on 11 separate occasions from February 25, 2007 through January 31, 2008.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special T&C 3A(iii) OP		
	Description:	Failure to perform the third quarter 2007 visual emissions observation of Boiler BLR-1.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060, Special Term & Condition 17 OP		

Permit 41618, Special Condition 2F PERMIT
 Description: Failure to perform 33 quarterly Method 21 LDAR monitoring events to seventeen components in VOC service from February 3, 2007 through December 31, 2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 17 OP
 Permit 41618, Special Condition 2E PERMIT
 Description: Failure to cap or plug 70 open-ended Valves/Lines from February 3, 2007 February 2, 2008.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP
 Description: Failure to provide both a 15 day advance verbal notification and a 15 day advance written notification prior to performing initial compliance testing for the Boiler BLR-1, Boiler BLR-2, and Dock 2/3 John Deere stationary diesel engine.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP
 Description: Failure to submit the initial stack test reports for the BLR-1 boiler, BLR-2 boiler, and the Dock 2/3 John Deere stationary engine within 60 days of the date the test was performed.

2 Date: 08/28/2009 (747475) CN600124820

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failed to equip internal floating roof tanks (A-15-9 and B-30-6) stub drains with a slotted membrane fabric cover that covers at least 90% of the area of the opening from 2/3/2008 through 12/31/2008. (CATEGORY C4 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failed to keep the gauge/sample hatch bolted on tank B-30-6. (CATEGORY B18 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failed to maintain CO emissions below 3.0 g/hp-hr on the DOCK-ENG on 9/30/2008, 12/11/2008, and 1/16/2009. (Category B14 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to include a deviation in the semiannual deviation report. The deviation should have been included in the semiannual deviation report dated 8/29/2008. (Category B3 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2F PERMIT
 Special Term and Condition 16 OP
 Special Term and Condition 1A OP
 Description: Failure to monitor tag ID: 455067, a valve, located on tank D-20-2, the first, second, and third quarter of 2008. (Category B1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2E PERMIT
 Special Term and Condition 16 OP
 Special Term and Condition 1A OP
 Description: Failed to cap or plug 82 open ended lines or valves at the facility for the time period
 2/12/2008 through 3/3/2009.. (Category C10 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 16 OP
 Description: Failure to notify TCEQ of the commencement of operations for the storage tanks
 Q-30-16 (12/23/2008), Q-50-7 (8/30/2008), and Q-50-8 (8/31/2008). (Category B3
 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 16 OP
 Description: Failure to notify TCEQ Houston Regional office fifteen days prior to interruption of
 permit authorized construction activity at the facility as reported on 1/14/2009.
 (Category B1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6 PERMIT
 Special Term and Condition 16 OP
 Description: Failed to store the authorized product in tank Q-40-4, per attachment B of NSR 41618,
 SC 6 on 3/11/2008. (Category B18 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.121
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to notify TCEQ of two tanks Q-30-15 (3/10/2008) and Q-40-4 (3/26/2008) when
 commenced to routine operations without being added to the FOP O-01060.

3 Date: 11/30/2009 (815403) CN600124820
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

4 Date: 12/31/2009 (815404) CN600124820
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

5 Date: 01/31/2010 (815397) CN600124820
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

6 Date: 02/28/2010 (1067540) CN600124820
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

7 Date: 03/23/2010 (827912) CN600124820
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
8	Date:	04/16/2010 (799160)	CN600124820	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to comply with the permit limit for dissolved oxygen (D.O.).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with the permit limits for carbonaceous biochemical oxygen demand (CBOD) at Outfall 003.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)		
	Description:	Failure to use an national institute of standards & technology (NIST) calibrated thermometer.		
9	Date:	05/20/2010 (803063)	CN600124820	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.10(e) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to submit a 2009 Emissions Inventory. CATEGORY B19 (g)(3).		
10	Date:	05/31/2010 (1067542)	CN600124820	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
11	Date:	06/25/2010 (1092234)	CN600124820	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
12	Date:	09/30/2010 (1067543)	CN600124820	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
13	Date:	02/28/2011 (1067541)	CN600124820	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
14	Date:	08/31/2011 (922570)	CN600124820	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01060 ST&C 12 OP NSR SC (13 I) PERMIT		
	Description:	Failure to conduct loading and unloading operations without visible liquid leaks. (Category C1)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)		

Description: 5C THSC Chapter 382 382.085(b)
Failure to notify the TCEQ Houston Region Office within 15 working days of an interruption in permitted construction at Stolthaven Houston that exceeded 45 days. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01060 ST&C 12 OP
NSR SC (3 D) PERMIT

Description: Failure to seal open ended lines. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 19A PERMIT
ST&C 12 OP
ST&C 1A OP

Description: Failure to control VOC emissions (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 2(F) PERMIT
ST&C 12 OP

Description: Failure to conduct quarterly monitoring of accessible valves. (Category C1)

15* Date: 11/30/2011 (1067546) CN600124820

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

16* Date: 03/15/2012 (990095) CN600124820

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR PERMIT

Description: Failed to maintain compliance with the permitted effluent limits.

17* Date: 04/24/2012 (997264) CN600124820

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: FAILURE TO SUBMIT THE DEVIATION REPORT WITHIN THIRTY DAYS OF THE END OF THE REPORTING PERIOD (CATEGORY B3).

18* Date: 06/04/2012 (1008175) CN600124820

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
30 TAC Chapter 101, SubChapter A 101.10(e)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an annual emissions inventory update by March 31, 2012. Specifically, the calendar year 2011 emissions inventory was due by March 31, 2012, but was not submitted until July 18, 2012.

19 Date: 03/31/2013 (1097019) CN600124820

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

20 Date: 05/20/2013 (1089173) CN600124820

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a 2012 Emissions Inventory. CATEGORY B19(g)(3).

Appendix B

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

All Investigations Conducted During Component Period July 29, 2008 and July 29, 2013

Item 1	August 11, 2008**	(681764)
Item 2*	August 19, 2008**	(715522)
Item 3*	September 19, 2008**	(715523)
Item 4*	October 17, 2008**	(715524)
Item 5*	November 18, 2008**	(731246)
Item 6	December 04, 2008**	(704046)
Item 7*	December 19, 2008**	(731247)
Item 8*	January 15, 2009**	(731248)
Item 9*	February 10, 2009**	(754500)
Item 10*	March 16, 2009**	(754501)
Item 11*	April 16, 2009**	(754502)
Item 12*	May 18, 2009**	(771790)
Item 13*	June 05, 2009**	(743018)
Item 14*	June 10, 2009**	(771791)
Item 15*	August 18, 2009**	(815399)
Item 16	August 28, 2009**	(747475)
Item 17*	September 18, 2009**	(815400)
Item 18*	October 19, 2009**	(815401)
Item 19*	November 18, 2009**	(815402)
Item 20	November 20, 2009**	(780452)
Item 21	December 17, 2009**	(815403)
Item 22	January 20, 2010**	(815404)
Item 23	February 19, 2010**	(815397)
Item 24	March 19, 2010**	(1067540)
Item 25	March 23, 2010**	(827912)
Item 26*	April 06, 2010**	(815398)
Item 27*	April 16, 2010**	(1045009)
Item 28*	May 17, 2010**	(1045012)
Item 29	May 20, 2010**	(803063)
Item 30	June 18, 2010**	(1067542)
Item 31	June 25, 2010**	(1092234)
Item 32	July 13, 2010**	(841146)
Item 33*	July 19, 2010**	(1045018)
Item 34*	August 03, 2010**	(830105)
Item 35*	August 12, 2010**	(1045021)
Item 36	September 13, 2010**	(849449)
Item 37*	September 17, 2010**	(1045024)
Item 38	October 20, 2010**	(1067543)
Item 39*	November 12, 2010**	(1045028)
Item 40*	December 15, 2010**	(1045030)

Item 41*	January 17, 2011**	(1045032)
Item 42*	February 17, 2011**	(1045004)
Item 43	March 11, 2011**	(1067541)
Item 44*	April 14, 2011**	(1045010)
Item 45*	May 20, 2011**	(1045013)
Item 46*	June 16, 2011**	(1045016)
Item 47*	July 01, 2011**	(936406)
Item 48*	July 15, 2011**	(1045019)
Item 49*	August 19, 2011**	(1045022)
Item 50*	August 23, 2011**	(944608)
Item 51	August 30, 2011**	(922570)
Item 52*	September 08, 2011**	(934579)
Item 53*	September 20, 2011**	(1045025)
Item 54*	October 19, 2011**	(1045027)
Item 55*	November 17, 2011**	(1045029)
Item 56	December 13, 2011**	(1067546)
Item 57*	February 14, 2012**	(1045005)
Item 58	March 15, 2012**	(990095)
Item 59*	March 20, 2012**	(1045008)
Item 60*	April 19, 2012**	(1045011)
Item 61	April 24, 2012**	(997264)
Item 62*	May 15, 2012**	(1045014)
Item 63	June 01, 2012**	(1008175)
Item 64*	June 15, 2012**	(1045017)
Item 65	July 18, 2012**	(1019996)
Item 66*	July 20, 2012**	(1045020)
Item 67*	August 17, 2012**	(1045023)
Item 68*	September 20, 2012	(1048240)
Item 69*	October 19, 2012	(1067544)
Item 70*	October 26, 2012	(976193)
Item 71*	November 19, 2012	(1067545)
Item 72*	December 19, 2012	(1067547)
Item 73*	January 18, 2013	(1081765)
Item 74*	February 20, 2013	(1081764)
Item 75*	March 18, 2013	(1090672)
Item 76	April 19, 2013	(1097019)
Item 77	May 17, 2013	(1089173)
Item 78	July 16, 2013	(1102240)
Item 79*	July 25, 2013	(1100296)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

Published Compliance History Report for CN600124820, RN100210475, Rating Year 2012 which includes Compliance History (CH) components from July 29, 2008, through July 29, 2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
STOLTHAVEN HOUSTON, INC.
RN100210475**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1428-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Stolthaven Houston, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical products storage and distribution terminal at 15602 Jacintoport Boulevard in Houston, Harris County, Texas ("the Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During record reviews conducted on May 3 and July 8, 2013, TCEQ staff documented that the calendar year 2012 emissions inventory was due on March 31, 2013, but was not submitted until June 24, 2013.
4. The Respondent received notice of the violations on July 19, 2013.
5. The Executive Director recognizes that on June 24, 2013, the Respondent submitted the emissions inventory update for calendar year 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to submit an annual emissions inventory update by March 31, 2013, in violation of 30 TEX. ADMIN. CODE § 101.10(b)(2) and (e) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Thousand Two Hundred Dollars (\$7,200) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Seven Thousand Two Hundred Dollar (\$7,200) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Two Hundred Dollars (\$7,200) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Stolthaven Houston, Inc., Docket No. 2013-1428-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure that annual emissions inventory updates are submitted in a timely manner; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God,


war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

11/17/14
Date

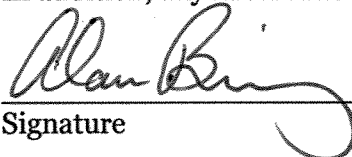
I, the undersigned, have read and understand the attached Agreed Order in the matter of Stolthaven Houston, Inc. I am authorized to agree to the attached Agreed Order on behalf of Stolthaven Houston, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Stolthaven Houston, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

October 17, 2013
Date

Alan Birney

Terminal Manager

Name (Printed or typed)
Authorized Representative of
Stolthaven Houston, Inc.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.